

Notice of Allowability

Application No.

10/667,246

Examiner

EDWYN LABAZE

Applicant(s)

DEJAEGER, WILFRED E.Y.

Art Unit

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 07/07/2008.
2. ☒ The allowed claim(s) is/are 1-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20100317</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

/EDWYN LABAZE/
Examiner, Art Unit 2887

Examiner's amendments

1. Receipt is acknowledged of amendments/arguments filed on 06/05/2008.
2. Receipt is acknowledged of affidavits filed on 6/17/2008.
3. Claims 1-53 are presented for examination.
4. This application is a reissue of 09/432,639 filed on 11/02/1999 now PAT 6,296,185.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

5. Authorization for this examiner's amendment was given in a telephone interview with Mr. Peter Priest on March 17, 2010 in order to correct the improper format of the claims filed on 9/18/2007 (see the interview summary, paper no. 20100317).

6. The application has been amended as follows:

IN THE CLAIMS

7. Claim 26 (new) A method of operating a retail terminal having a display monitor, in a self-service checkout transaction, comprising the steps of: scanning an item for purchase into said retail terminal; displaying item information associated with said item for purchase on said display monitor in response to scanning said item; and displaying a customer-specific retail message on said display monitor, contemporaneously with displaying said item information, the customer-specific retail message being based on previous purchase information stored in a customer profile.

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8. Claim 27. (new) A method of operating a retail terminal having a display monitor, in a self-service checkout transaction, comprising the steps of: scanning an item for purchase into said retail terminal by a self-service customer, displaying item information including an item price and an item description associated with said item for purchase on said display monitor in response to scanning said item; and displaying a retail message on said display monitor, contemporaneously with displaying said item information, where the retail message is customized based on said item for purchase scanned into the terminal by the customer during the current transaction.

9. Claim 28. (new) A method of operating a retail terminal having a display monitor, in a self-service checkout transaction, comprising the steps of: entering an item for purchase by a self-service customer into said retail terminal; displaying item information associated with said item for purchase on said display monitor in response to entering said item; and displaying a customer-specific retail message on said display monitor, contemporaneously with displaying said item information, the customer-specific retail message being based on previous purchase information stored in a customer profile.

10. Claim 29. (new) A method of operating a retail terminal having a display monitor, in a self-service checkout transaction, comprising the steps of: entering an item for purchase into said retail terminal; displaying item information including an item price and an item description associated with said item for purchase on said display monitor in response to entering said item; and displaying a retail message on said display monitor, contemporaneously with displaying said item information, where the retail message is customized based on a product entered into the terminal during the current transaction by a self-service customer.

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11. Claim 30. (new) A method of operating a retail terminal having a display monitor, in a self-service checkout transaction, comprising the steps of: entering an item for purchase into said retail terminal by a self-service customer; displaying item information associated with said item for purchase on said display monitor in response to entering said item; and displaying a retail message on said display monitor, contemporaneously with displaying said item information, where the retail message is customized based on a product that can be used in conjunction with said item for purchase entered during the current transaction.

12. Claim 31. (new) The method of claim 30 in which said item for purchase is a case of beer and said retail message is an advertisement for pretzels which are commonly consumed with beer.

13. Claim 32. (new) A method of operating a retail terminal having a display monitor, in a self-service checkout transaction, comprising the steps of: entering an item for purchase into said retail terminal by a self-service customer; displaying item information including an item price and an item description associated with said item for purchase on said display monitor in response to entering said item; and displaying a retail message on said display monitor, contemporaneously with displaying said item information, where the retail message is customized based on said item for purchase entered into the terminal during the current transaction by the customer.

14. Claim 33. (new) A method of operating a retail terminal having a display monitor, in a self-service checkout transaction, comprising the steps of: entering an item for purchase by a self-service customer into said retail terminal; displaying item information associated with said item for purchase on said display monitor in response to entering said item; and displaying a

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retail message on said display monitor, contemporaneously with displaying said item information, where the retail message is an advertisement which advertises a product that was purchased by the customer during a previous transaction, the retail message being based on previous purchase information stored in a customer profile.

Claim 34. (amended) A method of operating a retail terminal having a display monitor, in an assisted checkout transaction, comprising the steps of: entering an item for purchase by a customer into said retail terminal; displaying item information associated with said item for purchase on said display monitor in response to entering said item; and displaying a retail message on said display monitor, contemporaneously with displaying said item information, where the retail message is an advertisement which advertises a product that was purchased by the customer during a previous transaction, the retail message, being based on previous purchase information stored in a customer profile.

15. Claim 35. (new) A method of operating a retail terminal having a display monitor, in an assisted checkout transaction, comprising the steps of: entering an item for purchase by a customer into said retail terminal; displaying item information associated with said item for purchase on said display monitor in response to entering said item; and displaying a retail message on said display monitor, contemporaneously with displaying said item information, where the retail message is a customer-specific message that may be viewed on said display monitor by a checkout clerk, the retail message being based on information stored in a customer-profile, associated with an identified customer, the customer profile including customer-specific information for the customer, the customer-specific information including customer purchase history for the customer.

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16. Claim 36. (new) A method of operating a retail terminal having a display monitor, in an assisted checkout transaction, comprising the steps of: entering an item for purchase by a customer into said retail terminal; displaying item information associated with said item for purchase on said display monitor in response to entering said item; and displaying a retail message on said display monitor, contemporaneously with displaying said item information, where the retail message informs a checkout clerk that the customer is not old enough to purchase beer or other type of alcohol.

17. Claim 37. (new) A method of operating a retail terminal having a display monitor, in an assisted checkout transaction, comprising the steps of: entering an item for purchase by a customer into said retail terminal; displaying item information associated with said item for purchase on said display monitor in response to entering said item; and displaying a customer-specific retail message on said display monitor, contemporaneously with displaying said item information, in order for the message to be verbally relayed or otherwise communicated to the customer by a checkout clerk, the customer-specific retail message being based on previous purchase information stored in a customer profile.

18. Claim 38. (new) A retail terminal, comprising: a display monitor; a processing unit electrically coupled to said display monitor; and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit in a self-service checkout transaction, causes said processing unit to: (a) enter an item for purchase scanned into said retail terminal, (b) display item information associated with said item for purchase on said display monitor in response to said item for purchase being entered, and (c) display a customer-specific retail message on said

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display monitor contemporaneously with said display of said item information associated with said item for purchase, the customer-specific retail message being based on previous purchase information stored in a customer profile.

19. Claim 39. (new) A retail terminal, comprising: a display monitor; a processing unit electrically coupled to said display monitor; a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit in a self-service checkout transaction, causes said processing unit to: (a) enter an item for purchase scanned into said retail terminal by a self-service customer, (b) display item information including an item price and an item description associated with said item for purchase on said display monitor in response to said item for purchase being entered, and (c) display a retail message on said display monitor retail messages into the terminal, contemporaneously with said display of said item information, Where the retail message is customized based on said item for purchase entered by the customer during the current transaction.

20. Claim 40. (new) A retail terminal, comprising: a display monitor; a processing unit electrically coupled to said display monitor; and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit in a self-service checkout transaction, causes said processing unit to: (a) enter an item for purchase by a self-service customer into said retail terminal, (b) display item information associated with said item for purchase on said display monitor in response to said item for purchase being entered, and (c) display a customer-specific retail message on said display monitor, contemporaneously with said display of said item

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information, the customer-specific retail message being based on previous purchase information stored in a customer profile associated with an identified customer.

21. Claim 41. (new) A retail terminal, comprising: a display monitor; a processing unit electrically Coupled to said display monitor; and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit in a self- service checkout transaction, causes said processing unit to: (a) enter an item for purchase by a self-service customer into said retail terminal, (b) display item information including an item price and an item description associated with said item for purchase on said display monitor in response to said item for purchase being entered, and (e) display a retail message on said display monitor, contemporaneously with said display of said item information, where the retail message is customized based on the nature of said item for purchase entered into the terminal by the customer during the current transaction.

22. Claim 42. (new) A retail terminal, comprising: a display monitor; a processing unit electrically coupled to said display monitor; and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit in a self-service checkout transaction, causes said processing unit to: (a) enter an item for purchase by a self-service customer into said retail terminal, (b) display item information including an item price and an item description associated with said item for purchase on said display monitor in response to said item for purchase being entered, and (c) display a retail message on said display monitor, contemporaneously with said display of said item information, where the retail message is customized based on a product that can be used in conjunction with said item for purchase entered by the customer.

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23. Claim 43. (new) The terminal of claim 42 in which said item for purchase is a case of beer and said retail message is an advertisement for pretzels which are commonly consumed with beer.

24. Claim 44. (new) A retail terminal, comprising: a display monitor; a processing unit electrically coupled to said display monitor; and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit in a self-service checkout transaction, causes said processing unit to: (a) enter an item for purchase by a self-service customer into said retail terminal, (b) display item information including an item price and an item description associated with said item for purchase on said display monitor in response to said item for purchase being entered, and (c) display a retail message on said display monitor, contemporaneously with said display of said item information, where the retail message is customized based on said item for purchase entered into the terminal by the customer during the current transaction.

25. Claim 45. (new) A retail terminal, comprising: a display monitor; a processing unit electrically coupled to Said display monitor; and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit in a self-service checkout transaction, causes said processing unit to: (a) enter an item for purchase by a self-service customer into said retail terminal; (b) display item information associated with said item for purchase on said display monitor in response to said item for purchase being entered, and (c) display a retail message on said display monitor, contemporaneously with said display of said item information, where the retail message is an advertisement which advertises a product that was purchased by the

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customer during a previous transaction, the retail message being based on previous purchase information stored in a customer profile associated with an identified customer.

26. Claim 46. (new) A retail terminal, comprising: a display monitor; a processing unit electrically coupled to said display monitor; and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit in an assisted checkout transaction, causes said processing unit to: (a) enter an item for purchase into said retail terminal, (b) display item information associated with said item for monitor in response to said item for purchase being entered, and (c) display a retail message on said display monitor, contemporaneously with said display of said item information, where the retail message is advertisement which advertises a product that was purchased by the customer during a previous transaction, the retail message being based on previous purchase information stored in a customer profile associated with an identified customer.

27. Claim 47. (new) A retail terminal, comprising: a display monitor; a processing unit, electrically coupled to said display monitor; and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit in an assisted checkout transaction, causes said processing unit to: (a) enter an item for purchase into said retail terminal, (b) display item information associated with said item for purchase on said display monitor in response to said item for purchase being entered, and (c) display a retail message on said display monitor, contemporaneously with said display of said item information, where the retail message is a customer-specific message that may be viewed by a checkout clerk the customer-specific

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message being based on previous purchase information stored in a customer profile associated with an identified customer.

28. Claim 48. (new) A retail terminal, comprising: a display monitor; a processing unit electrically coupled to said display monitor; and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit in an assisted checkout transaction, causes said processing unit to: (a) enter an item for purchase by a customer into said retail terminal, (b) display item information associated with said item for purchase on said display monitor in response to-said item for purchase being entered, and (c) display a retail message on said display monitor, contemporaneously with said display of said item information, where the retail message informs a checkout clerk that the customer is not old enough to purchase the beer or other type of alcohol.

29. Claim 49. (new) A retail terminal, comprising: a display monitor; a processing unit electrically coupled to said display monitor; and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit in an assisted checkout transaction, causes said processing unit to: (a) enter an item for purchase by a customer into said retail terminal, (b) display item information associated with said item for purchase on said display monitor in response to Said item for purchase being entered, and (c) display a customer-specific retail message on said display monitor, contemporaneously with said display of said item information, in order for the message to be verbally relayed or otherwise communicated to the customer by a checkout clerk, the customer- specific retail message being based on previous purchase information stored in a

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customer profile associated with an identified customer.

30. Claim 50. (new) A method of operating a retail terminal having a display monitor, in a self-service checkout transaction, comprising the steps of: identifying a self-service customer by reading [his or her] a loyalty card using a card reader associated with said retail terminal to obtain customer identifying information; scanning an item for purchase into said retail terminal by the self-service customer; displaying item information associated with said item for purchase on said display monitor in response to scanning said item; and displaying a retail message on said display monitor, contemporaneously with displaying said item information, where the message is generated using the customer['s] identifying information, as an index to retrieve previous purchase information from a stored customer profile associated with the customer.

31. Claim 51. (new) The method of claim 50 in which the customer ['s] information is read from the customer's said loyalty card and automatically entered into said retail terminal.

32. Claim 52. (new) A method of operating a retail terminal having a display monitor, in a self-service checkout transaction, comprising the steps of: instructing a self-service customer to identify himself or herself by [his or her] reading a loyalty card using a card reader associated with said retail terminal scanning an item for purchase into said retail terminal by the self-service customer; displaying item information including an item price and an item description associated with said item for purchase on said display monitor in response to scanning said item; and displaying a retail message on said display monitor, contemporaneously with displaying said item information, where the message is generated using information collected when the customer applies or otherwise registers for [his or her] the loyalty card, the collected information being stored in a customer profile associated with the customer.

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33. Claim 53. (new) A method of operating a retail terminal having a display monitor, in a self-service checkout transaction, comprising the steps of: instructing a self-service customer to identify himself or herself by [his or her] reading a loyalty card using a card reader associated With said retail terminal; scanning an item for purchase into said retail terminal by the self-service customer; displaying item information including an item price and an item description associated with said item for purchase on said display monitor in response to scanning said item; and displaying a retail message on said display monitor, contemporaneously with displaying said item information, where the retail message is generated based on said item for purchase scanned into the terminal by the customer during the current transaction.

Allowable Subject Matter

34. Claims 1-53 are allowed.

35. The following is an examiner's statement of reasons for allowance: the prior art of record fails to specifically teach means of displaying a customer-specific retail message on the display monitor, contemporaneously with displaying the item information, the customer-specific retail message being based on previous purchase information stored in a customer profile. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571)272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EDWYN LABAZE/
Examiner, Art Unit 2887